

Application No.: 10/527,736
Amendment Dated November 27, 2006
Reply to Office Action of July 25, 2006

REMARKS/ARGUMENTS

Applicants thank the Examiner for a thorough review of the above-referenced application. As explained more fully below, Applicants have amended independent Claims 1, 37, 46, and 53, and dependent Claims 2-6, 13, 29-32, 34, 35, 38, 40, and 54-55. Applicants have also added new Claims 89-92. Applicants request reconsideration of Claims 1-6, 13, 29-32, 34, 35, 37, 38, 40, 46, and 53-55 and consideration of new Claims 89-92 in view of the Amendments and Remarks set forth herein.

I. The Objection to the Drawings Should be Withdrawn

The Office Action objected to the drawings under 37 C.F.R § 1.83(a), indicating that the drawings must show every feature of the invention specified in the claims. Specifically, the Office Action indicated that the distances d0 and d1, as recited in Claim 32, must be shown in the drawings. Applicants have amended and rewritten Claim 32 to remove the indicators d0 and d1, and thus Applicants have corrected these deficiencies.

As a result, Applicants respectfully submit that the objections to the drawings as outlined in the Office Action should be withdrawn.

II. The Objections to Claims 2-6, 13, 29-32, 34, 35, 38, 40, 54, and 55 Should be Withdrawn

The Office Action objected to Claims 2-6, 13, 29-32, 34, 35, 38, 40, 54, and 55. The Office Action objected to Claims 2-6, 13, 29-32, 34, and 35 indicating that the recitation “A RFID tag or label” should be changed to --The RFID tag or label--. The Office Action objected to Claims 38 and 40, indicating that the recitation “An object according to” should be changed to --The object according to--. Additionally, the Office Action objected to Claims 54 and 55, indicating that the recitation “A system according to” should be changed to --system according to--. Applicants have amended Claims 2-6, 13, 29-32, 34, 35, 38, 40, 54, and 55 consistent with the suggestions of the Office Action. In lieu of the amendments made these claims, Applicants respectfully submit that the objections to Claims 2-6, 13, 29-32, 34, 35, 38, 40, 54, and 55 should be withdrawn.

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III. The Rejections to Claims 1, 2, 30, 31, 32, 34, 35, 37, 46, and 54 Under 35 U.S.C. § 112 Second Paragraph Should be Withdrawn

The Office Action rejected Claims 1, 2, 30, 31, 32, 34, 35, 37, 46, and 54 under 35 U.S.C. § 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action indicated that in Claims 2, 4, 34, 37, and 46, the expression “or” renders the claims alternative. Additionally, the Office Action indicated that in Claims 30, 31, 32, and 35, the verb “can” is ambiguous as to whether the structure is formed or not. Applicants have amended the cited claims to clarify the invention, including amending Claims 2, 4, 34, 37, and 46, and Claims 30, 31, 32, and 35 to address the concerns of the Office Action with respect to 35 U.S.C. § 112 second paragraph. Applicants respectfully note that the Office Action does not indicate any basis for rejecting the remaining claims, Claim 1 and Claim 54, under 35 U.S.C. § 112 second paragraph. Nevertheless, Applicants note that the amendments made herein to Claims 1 and 54 clarify the invention and thus address any concerns relating to 35 U.S.C. § 112 second paragraph. As a result, Applicants respectfully submit that the rejections to Claims 1, 2, 30, 31, 32, 34, 35, 37, 46, and 54 under 35 U.S.C. § 112 second paragraph should be withdrawn.

IV. The Rejections to Claims 1-6, 13, 29-32, 34, 35, 37, 38, 40, 46, and 53-55 Under 35 U.S.C. § 102 Should be Withdrawn

The Office Action rejected Claims 1-6, 13, 29-32, 34, 35, 37, 38, 40, 46, and 53-55 under 35 U.S.C. § 102. The Office Action rejected Claims 1, 13, and 46 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,018,299 to Eberhardt (“the Eberhardt patent”). Specifically, the Office Action claims that the Eberhardt patent discloses, in Figure 11, an “RFID tag comprising a RFID tag module 112 having an electronic identification circuit, a coupling means (138, 140), an antenna structure (128,130) coupled to the coupling means, and wherein the RFID tag module is separated from the antenna structure.” Claim 1 and Claim 46 of Applicants’ application are independent claims. Claim 13 is a dependent claim, and depends from Claim 1. Applicants have amended independent Claims 1 and 46 to indicate that “the RFID tag module is at least one of separate and in a non-contacting coupled arrangement

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with, separable, or arranged to be severable from, the antenna structure.” (Emphasis added). These amendments clarify that Applicants’ invention is distinct from that disclosed by the Eberhardt patent. The Eberhardt patent, by contrast, discloses a circuit chip 112 that is in direct contact with an antenna 110. It does not disclose an RFID module that is separate and in a non-contacting coupled arrangement with the antenna structure, nor does it disclose an RFID module that is separable from the antenna structure, nor does it disclose an RFID module that is arranged to be severable from the antenna structure, as recited in amended independent Claims 1 and 46, and the claims that depend therefrom.

The Office Action rejected Claims 1-6, 13, 30, 31, 46, and 53-55 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,832,090 to Raspotnik (“the Raspotnik patent”). Specifically, the Office Action argues that the Raspotnik patent discloses, in Figures 1 and 2, an “RFID tag module 11 having an electronic identification circuit 12, a coupling means or antenna 16, an antenna structure 17 coupled to the coupling means, wherein the RFID tag module is separate from the antenna structure, and a communications means or a further electronic identification circuit or reader 14 attached to the antenna structure 17.” Applicants disagree for the following reasons.

Claims 1, 46, and 53 of Applicants’ application are independent claims. Claims 2-6, 13, 30, 31 depend form Claim 1, and Claims 54 and 55 depend from Claim 53. As discussed above, Applicants have amended independent Claims 1 and 46 to indicate that **“the RFID tag module is at least one of separate and in a non-contacting coupled arrangement with, separable, or arranged to be severable from, the antenna structure.”** (Emphasis added). Applicants have also made a similar amendment to independent Claim 53. These amendments clarify that Applicants’ invention is distinct from that disclosed by the Raspotnik patent. The Raspotnik patent, by contrast, discloses a transponder 11 comprising an integrated circuit chip 12 and an RF antenna 16 coupled with the RF antenna 16. (See Col. 4, lines 3-8 and Figure 1) (Emphasis added). It does not disclose an RFID module that is separate and in a non-contacting coupled arrangement with the antenna structure, nor does it disclose an RFID module that is separable from the antenna structure, nor does it disclose an RFID module that is arranged to be severable

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from the antenna structure, as recited in amended independent Claims 1, 46, and 53, and the claims that depend therefrom.

The Office rejected Claims 1-6, 13, 30, 31, 34, 35, 37, 38, 40, 46, and 53-55 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,466,131 to Tuttle et al. (“the Tuttle patent”). Specifically, the Office Action argues that the Tuttle patent discloses, in Figures 1-3, “a RFID tag module 12”, wherein the tag module comprises an electronic identification circuit 16, a coupling means or antenna 22, an antenna structure 28 coupled to the coupling means 22, wherein the RFID module is separate from the antenna structure 28, and wherein the RFID module communicates with first and second communication means 27 and 29.” The Office Action also states that the Tuttle patent teaches “an that the interrogator/transponder or RFID system 24 is used for a large number of uniquely identifiable tags.” Applicants disagree.

Claims 1, 37, 46, and 53 of Applicants’ application are independent claims. Claims 2-6, 13, 30, 31, 34, and 35 depend form Claim 1, Claims 38 and 40 depend from Claim 37, and Claims 54 and 55 depend from Claim 53. As discussed above, Applicants have amended independent Claims 1, 46, and 53 to indicate that “**the RFID tag module is at least one of separate and in a non-contacting coupled arrangement with, separable, or arranged to be severable from, the antenna structure.**” (Emphasis added). These amendments clarify that Applicants’ invention is distinct from that disclosed by the Tuttle patent. By contrast, the Tuttle patent discloses an integrated circuit 16 having transponder circuits 30 and an antenna 22 “which electrically connects directly to the transponder circuits.” (See Col. 6, lines 46-47 and Figure 4) (Emphasis added). Thus, the Tuttle patent discloses that the transponder circuit 16 connects directly to the antenna 22. It does not disclose an RFID module that is separate and in a non-contacting coupled arrangement with the antenna structure, nor does it disclose an RFID module that is separable from the antenna structure, nor does it disclose an RFID module that is arranged to be severable from the antenna structure, as recited in amended independent Claims 1, 46, and 53, and the claims that depend therefrom. With respect to independent Claim 37, and Claims 38 and 40, which depend therefrom, Applicants respectfully note that the Office Action fails to explain how these claims are anticipated by the Tuttle patent.

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V. The Rejections to Claims 29 and 30 Under 35 U.S.C. § 103 Should be Withdrawn

The Office Action rejected Claims 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over the Tuttle patent. Specifically, the Office Action argues that the Tuttle patent “differs from the claimed invention because it does not disclose the electrically dimension of the antenna structure . . . and the distance when the tag is coupled to the antenna structure or not coupled to the antenna structure,” and that these differences are considered an obvious matter of design choice. Claims 29 and 30 of Applicants’ application both depend from Claim 1, which has been amended as described above. In lieu of this amendment, Applicants believe that the claim rejections under 35 U.S.C. § 103(a) are now moot.

VI. Newly Added Claims 89-92 Are Patentable

Added independent Claim 89 recites that the RFID module is in a non-contact coupling arrangement with the antenna, and added independent Claim 92 recites that the RFID module is separable from the antenna. As discussed above, none of the cited references teaches or suggests this aspect of the invention. Applicants therefore respectfully submit that Claims 89-92 are patentable.

In closing, Applicants respectfully submit that none of the cited references, alone or in combination, teach or suggest the claims of the present invention, as amended. Accordingly, Applicants respectfully submit that independent Claims 1, 37, 46, 53, 89, and 92 and the claims depending respectively therefrom, include recitations that patentably distinguish the invention over the prior art of record.

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CONCLUSION

In view of the foregoing amendments, added claims, and remarks, Applicants respectfully submit that Claims 1-6, 13, 29-32, 34, 35, 37, 38, 40, 46, 53-55, and 89-92 of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Ho is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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